

Notice of Allowability	Application No.	Applicant(s)
	09/993,518	KIM, DONG-HYUN
	Examiner JAMES C. KERVEROS	Art Unit 2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to AMENDMENT after Final filed 6/7/20005 (CLAIMS Renumbered 1-5).
2. The allowed claim(s) is/are 5,6,13,14 and 17.
3. The drawings filed on 27 November 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

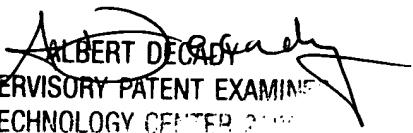
* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.


ALBERT DECADY
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Notice of Allowance Office Action

This is a Notice of Allowance in response to Amendment after Final filed 6/7/2005.

Claims 1-19 were previously pending.

Claims 1-4, 7-12, 15, 16, 18 and 19 have been cancelled.

Allowable Subject Matter

Claims 5, 6, 13, 14 and 17 are allowed. (Renumbered as CLAIMS 1-5).

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 5, 13 and 17 have been rewritten in the independent form including all of the limitations of the base claim and any intervening claims, and therefore are allowable. Further, the prior arts of record taken alone or in combination fail to teach, anticipate, suggest or render obvious the claimed invention for a Bit Error Rate (BER) apparatus and method recited in the independent claims 5, 13 and 17, which include, inter alia, a "BER test message comprises one frame control message channel (FCMC) positioned at the front of the BER test message, the FCMC having system information and exclusively used for a backward link and a plurality of message data channels (MDCs) comprising data to be transmitted between the roadside equipment and the on-board equipment, the plurality of MDCs set as a certain value conforming to a dedicated short range communication (DSRC) standard and used for the backward link and a forward link".

Claims 6 and 14 are directly depended upon claims 5 and 13 and therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

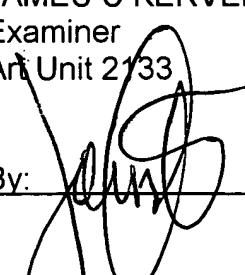
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: 9 June 2005
Office Action: Allowance

JAMES C KERVEROS
Examiner
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By: 


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